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December 29, 2022

BY ECF

Magistrate Judge Valerie Figueredo
Daniel Patrick Moynihan
United States Courthouse
Southern District of New York
500 Pearl Street
New York, New York 10007-1312

Application Granted



Valerie Figueredo, U.S.M.J.
DATED: 1-5-2023

For the reasons stated at ECF No. 212, the proposed redactions to the 12/02/22 Hearing Transcript are approved. Parties are directed to file the redacted transcript on the docket. The Clerk of Court is respectfully directed to close the motion at ECF No. 218.

**Re: *In re Peerless Networks, Inc. v. AT&T Corp.,*
Civil Action No. 15-CV-870 (VM)(VF)**

Dear Magistrate Judge Figueredo:

We write on behalf of AT&T Corp., in response to the Court's Order dated December 8, 2022 (D.E. 215), which directed the parties to submit, by today's date, any proposed redactions to the transcript of the December 2, 2022 oral argument before the Court concerning AT&T's Motion to Exclude Expert Report and Portions of the Declaration of Peerless Expert James D. Webber (D.E. 184, 208, 210, "Argument Transcript"). We have consulted with counsel for Peerless Networks, Inc., and, with counsel's consent, we respectfully write to jointly request redactions of certain items from the Argument Transcript pursuant to, and consistent with, prior Orders entered in this case respecting the confidentiality of materials. (D.E. 28 ¶ 7; D.E. 125 at 2 n.1; D.E. 130; D.E. 212.)

In particular, enclosed herewith is a copy of the Argument Transcript with proposed redactions of certain words on most pages of the Argument Transcript. The intent of each proposed redaction is to conceal from the public record certain confidential provisions of the confidential settlement agreement at issue in these post-judgment proceedings. As previously reported to the Court, these confidential settlement provisions reflect and embody highly-sensitive business data, the disclosure of which to third-party competitors could be detrimental to the parties' business. (*See, e.g.*, D.E. 196 at 2.) By contrast, the public can still gain a robust understanding of the legal issues discussed in the Argument transcript based on the un-redacted terms.

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For the foregoing reasons, the parties respectfully request that the Court make available to the public a copy of the enclosed, redacted Argument Transcript or, alternatively, a similar copy of the Argument Transcript reflecting the same proposed redactions.

We thank the Court for its consideration of this matter and are available to address any questions the Court might have.

Respectfully submitted,

/s/ Brian A. McAleenan

Brian A. McAleenan

cc: Counsel of Record (via ECF)
Carole Ludwig, Court Reporter (via e-mail)